

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ZCAP EQUITY FUND LLC and ROSS  
MARCHETTA, individually and on Behalf of All  
Others Similarly Situated,

Plaintiffs,

-against-

LUXURBAN HOTELS INC., BRIAN  
FERDINAND, and SHANOOP KOTHARI,

Defendants.

No. 1:24-cv-01030-PAE

**STIPULATION EXTENDING  
SCHEDULE FOR THE  
DEFENDANTS TO RESPOND  
TO THE AMENDED  
COMPLAINT**

**WHEREAS**, the Court previously set a schedule for Lead Plaintiffs zCap Equity Fund LLC and Ross Marchetta (together, “Lead Plaintiffs”) to file an amended complaint and for Defendants LuxUrban Hotels Inc., Brian Ferdinand, and Shanoop Kothari’s (together, “Defendants”) to respond to the amended complaint, ECF No. 28; and

**WHEREAS**, Lead Plaintiffs filed their amended class action complaint on September 4, 2024 (ECF No. 30) (the “Amended Complaint”);

**WHEREAS**, Defendants LuxUrban Hotels Inc. and Shanoop Kothari are engaging new counsel in this matter;

**IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned counsel for Lead Plaintiffs and Defendants that:

(a) the time for Defendants to respond to the Amended Complaint is extended to and including December 20, 2024;

(b) the time for Lead Plaintiffs to oppose any motions to dismiss is extended to and including February 18, 2025; and

(c) the time for Defendants' replies in support of any motions to dismiss is extended to and including March 20, 2025.

Dated: October 24, 2024  
New York, NY

Dated: October 24, 2024  
New York, NY

/s/ Jonathan D. Park  
Jonathan D. Park  
Pomerantz LLP  
600 Third Avenue, 20<sup>th</sup> Floor  
New York, NY 10016  
(646) 214-7730

*Counsel for Lead Plaintiffs*

/s/ John P. Curley  
John P. Curley  
HOGUET NEWMAN  
REGAL & KENNEY LLP  
60 East 42nd Street, 48<sup>th</sup> Fl.  
New York, NY 10165  
(212) 689-8808

*Counsel for Defendants*

The Court endorses the parties' proposed schedule in part, mindful of the need to allow lead plaintiff an opportunity to amend in response to a responsive motion from defendants under Rule 15(a)(1)(B).

The Court sets the following schedule. By December 20, 2024, defendants shall file their response to the first amended complaint.

If defendants move to dismiss, lead plaintiff, by February 4, 2025, shall file a second amended complaint or file a letter notifying the Court of its intention to rely on its first amended complaint. No further opportunities to amend will ordinarily be granted.

If lead plaintiff does not file a second amended complaint, lead plaintiff's opposition to defendants' motion to dismiss shall be due February 25, 2025. Defendants' reply shall be due March 27, 2025.

If lead plaintiff files a second amended complaint, by March 11, 2025, defendants shall: (1) file an answer; (2) file a new motion to dismiss; or (3) submit a letter to the Court, copying lead plaintiff, stating that they rely on the previously filed motion to dismiss. If defendants file a new motion to dismiss or rely on their previous motion, lead plaintiff's opposition will be due on April 8, 2025, and defendants' reply due on April 29, 2025.

SO ORDERED.

  
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PAUL A. ENGELMAYER  
United States District Judge

Dated: October 28, 2024  
New York, New York